



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

February 29, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

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Fifth District

REPORT ON POSSIBLE ACTION TAKEN IN RESPONSE TO AN ALTERCATION BETWEEN A PROBATIONER AND DEPUTY SHERIFF (ADMINISTRATIVE MEMO, AGENDA OF NOVEMBER 22, 2011)

On November 22, 2011, your Board directed my office to report back on the possible actions that may be taken due to an incident that occurred on the evening of November 21, 2011, where a probationer bit a portion of the ear off a Deputy Sheriff, including whether the probationer can be sentenced to additional years in a State penitentiary or County jail.

Charges have been filed against the probationer and the case is currently being handled by the Crimes Against Peace Officers Section of the District Attorney's Office. The status of the case is as follows:

Probationer: Miguel Barcenas Delacruz

Original Charge: On formal probation for felony vandalism

New Case #: MA054671

Case Filed: November 23, 2011

Preliminary Hearing: December 14, 2011 – Defendant was held to answer for trial and ordered to appear on December 29, 2011, in the Antelope Valley Courthouse.

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Next Court Date: March 2, 2012 – Pretrial conference

Charges: Victim #1 (Injured Deputy Sheriff)

Count 1 – Attempted Murder
Count 2 – Aggravated Mayhem
Count 3 – Attempting Firearm Removal
Count 4 – Assault on a Peace Officer with Force
Count 5 – Resisting an Executive Officer

Charges: Victim #2 (Assisting Deputy Sheriff)

Count 6 – Battery on a Peace Officer with Injury (Dismissed
at Preliminary Hearing)
Count 7 – Resisting an Executive Officer

The probationer has two strikes and is presently facing a maximum sentence of two separate life terms in State prison, with a parole eligibility date of approximately 56 years. It should be noted that the probationer was not a post-release community supervised parolee nor N3 offender. The injured Deputy Sheriff is doing well, but the doctors were unable to reattach the portion of ear bitten off by the probationer.

If you should have any questions or require additional information, please contact Georgia Mattera at (213) 893-2374 or Sheila Williams at (213) 974-1155.

WTF:GM:SW:cc

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Sheriff
Probation